

**Remarks of Senator Ben Nighthorse Campbell
Vice Chairman, U.S. Senate Committee on Indian Affairs
Hearing on Indian Trust Fund Management Reform**

February 26, 2002

Good morning and thank you Mr. Chairman for convening this important hearing.

Unfortunately, all who have chaired this Committee at some point must dedicate enormous time and effort in trying to reform the Indian Trust Fund Management systems.

You have done it in the past, Chairman Inouye, I did it for 5 years and now its your turn once again. Its beyond frustrating for me and for the Indian beneficiaries as well.

Let me start off by saying that this issue is clearly a problem of historic proportions: it is not Secretary Norton's creation. When I chaired this Committee I acknowledged the same fact to Secretary Babbitt.

Nonetheless, what Congress passed in 1994 to reform this system was enacted over the objections of the last Secretary of Interior. My own opinion is that despite the 1994 Act and the vigorous involvement and encouragement of this Committee, the trust reform strategy of the last Administration was to litigate, lurch from hearing to hearing by putting on a brave face and a dog and pony show, and do everything they could to make sure the Federal funding spigot didn't get turned off.

That strategy, as we all know and surely must recognize today, not only didn't work, Mr. Chairman but has in fact led us directly to where we are today.

Mr. Chairman, this reads like a bad soap opera: we have had several bills signed into law; documents lost, contaminated and shredded; Federal lawsuits filed; Senior Department officials resign and being held in Contempt by a Federal Judge; and Countless Hours of Legislative and Oversight

Hearings. Just two weeks ago we passed out of Committee legislation designed to discourage more litigation and encourage the Tribes and the Department to negotiate settlements which I believe is the much better option for all parties.

Having said that, we stand at a cross-roads here — an historic moment where I think if we recognize and admit that the litigation has served its purpose, but ultimately these issues should be, and I think will be, resolved here in Congress through a settlement bill.

Frankly, this Committee — and the Chairman and I — have done, are doing, and will continue to do everything we can to bring fair and equitable resolution to these issues but it requires some healthy, honest and open debate and one that may not have been held before.

Unlike many who have criticized her proposal, I believe the Secretary should be lauded, not criticized, for making a proposal to reform the way the U.S. handles Indian money and Indian assets.

There are Tribal proposals as well and we'll hear a little about them today too.

Some fundamental realities we all need to acknowledge are:

1st - The status quo is unacceptable: its unacceptable to the Secretary, to the Tribes, to the Court and to this Committee.

2nd - Right to the present day, the current system is not meeting the standards of performance that it should be — that's why I proposed an independent "Indian Trust Corporation" in February 2000.

3rd - Whether the answer lies in the Secretary's idea, in Receivership, in the Trust Corporation or in any other form, I firmly believe we should analyze them without passion or prejudice and get in place a system that brings justice to Indians which, after all, is what this should be all about.

In closing, let me say something about “Consultation”. When the Secretary informed me of her proposal to reform the trust, I encouraged her and the Department to consult early and often with the Tribes.

Three months later, close to ten consultation meetings have taken place. The Secretary herself attended the first meeting in Albuquerque. Nonetheless, Secretary Norton is being criticized for not conducting more consultations.

In one year, this Secretary and high-level Department Officials have met and consulted with the Tribes more often on Indian Trust Reform issues than the past Administration did in 8 years. That — ladies and gentlemen — is a fact.

I do hope, Mr. Chairman, that with this hearing the Committee can spark the kind of healthy and constructive dialogue that is so needed at this point in time.

With that, I ask Unanimous Consent that my formal statement be included in the Record along with some additional materials.

Thank you Mr. Chairman.

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